

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

HIGHLAND CAPITAL MANAGEMENT,
L.P.,¹

Debtor.

)
) Chapter 11
)
) Case No. 19-12239 (CSS)
)
) **Hearing Date: N/A**
) **Objection Deadline: N/A**

**EMERGENCY MOTION OF THE OFFICIAL COMMITTEE OF UNSECURED
CREDITORS FOR AN ORDER SHORTENING NOTICE WITH RESPECT TO THE
MOTION OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS
TO TRANSFER VENUE OF THIS CASE TO THE UNITED STATES
BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS**

The official committee of unsecured creditors (the “Committee”) of Highland Capital Management, L.P. (the “Debtor”), hereby submits this emergency motion (this “Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), pursuant to 11 U.S.C. § 105, rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and rule 9006-1(e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), shortening the notice period required under Bankruptcy Rules 2002 and 9006 with respect to and scheduling an expedited hearing on the *Motion of the Official Committee of Unsecured Creditors to Transfer Venue of this Case to the United States Bankruptcy Court for the Northern District of Texas* (the “Venue Motion”),² filed contemporaneously herewith, so that the Venue Motion may be heard at the hearing previously scheduled for November 7, 2019, at 3:00 p.m. (prevailing Eastern Time).

¹ The Debtor’s last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

² Capitalized terms used but not defined herein shall have the meaning ascribed to them in the Venue Motion.

JURISDICTION

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and the Committee confirms its consent, pursuant to rule 9013-1(f) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), to the entry of a final order or judgment by the Court in connection with this Motion if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

2. The statutory bases for the relief sought herein are section 105(a) of the Bankruptcy Code and Bankruptcy Rule 1014.

BACKGROUND

3. On October 16, 2019, the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware (the “Court”). The Court held a first day hearing on October 18, 2019, granting interim relief with respect to certain “first day” motions. No other hearing has been held as of the date hereof. The next hearing is scheduled for November 19, 2019.

4. The Committee was appointed by the United States Trustee on October 29, 2019 [Docket No. 65].

RELIEF REQUESTED

5. By this Motion, the Committee requests entry of the Proposed Order, substantially in the form attached hereto as **Exhibit A**, shortening notice with respect to the Venue Motion so

that the Venue Motion may be heard at a hearing previously scheduled for November 7, 2019, at 3:00 p.m. (prevailing Eastern Time).

BASIS FOR RELIEF

6. Local Rule 9006-1(c) requires that a movant provide at notice of a motion at least 14 days prior to the scheduled hearing. Such notice period may be shortened, however, “by order of the Court, on written motion (served on all interested parties) specifying the exigencies justifying shortened notice.” Local Rule 9006-1(e). Bankruptcy Rule 9006(c) further provides that “the court for cause shown may in its discretion with or without motion or notice order the period reduced.”

7. Sufficient cause exists to shorten the notice period for the Venue Motion so that the Venue Motion may be heard by the Court on November 7th, or as soon thereafter as the Court deems appropriate. As of the date hereof, the Court has only held the “first day” hearing, with the next hearing not scheduled until November 19, 2019 (the “Second Day Hearing”). The objection deadline for the motions to be heard at the Second Day Hearing is set for November 12, 2019, and the meeting of creditors is scheduled for November 20, 2019. It is essential that the Venue Motion be heard prior to these dates to ensure that the parties’ resources, including those of this Court and the Debtor’s estate, are not needlessly wasted.

8. Moreover, as set forth in the Venue Motion, timeliness is one of the factors that this Court will have to consider as part of its analysis under 28 U.S.C. § 1412. It is therefore important that the Venue Motion be heard as soon as possible instead of on regular notice.

9. The Committee informed the Debtor of its intent to seek shortened notice on the Venue Motion prior to filing the Motion and understands that the Debtor intends to oppose the relief sought herein. The Committee nevertheless respectfully submits that shortening the notice

period for the Venue Motion and allowing the Venue Motion to be heard on an expedited basis is reasonable and appropriate under the circumstances.

NOTICE

10. Notice of this Motion will be provided to (i) the Debtor, (ii) the Office of the United States Trustee for the District of Delaware, and (iii) any party that has requested notice pursuant to Local Rule 2002-1 as of the date of this Motion. In light of the nature of the relief requested herein, the Committee submits that no other or further notice is necessary.

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WHEREFORE, the Committee respectfully requests that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and such other and any further relief as the Court may deem just and proper.

Dated: November 1, 2019
Wilmington, Delaware

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PROPOSED ATTORNEYS FOR THE OFFICIAL
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